

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed February 6, 2006. In order to advance prosecution of the present Application, Claims 9-20 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on November 8, 2005. Applicant submitted a Response to Examiner's Final Action on January 6, 2006. The Examiner issued an Advisory Action on February 6 2006 stating that the Response to Examiner's Final Action would not be entered because it did not place the Application in condition for allowance. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action can be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein in addition to additional amendments and comments to place the Application into condition for allowance.

Claims 17-20 stand objected to for a minor informality. Claims 17-20 have been amended to address the informality identified by the Examiner.

Claims 9-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Izawa, et al. Applicant respectfully traverses this rejection.

Independent Claims 9-12 recite in general a packet comprising a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section. By contrast,

the Izawa, et al. patent merely shows that the header, payload, and trailer sections of an L3-PDU can be placed into the payload of multiple L2-PDUs. Thus, an individual L3-PDU encapsulates a single header section, a single payload section, and a trailer section. Similarly, an individual L2-PDU encapsulates a single header section, a single payload section, and a trailer section. Thus, the Izawa, et al. patent fails to disclose an individual packet data unit, either a L3-PDU or a L2-PDU, that encapsulates all of a first header section, a first payload section, a second header section, a second payload section, and a trailer section as required by the packet of the claimed invention. Support for the above recitation can be found at page 19, lines 7-8, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 9-12 are not anticipated by the Izawa ,et al. patent.

Independent Claims 13-16 recite in general a header section that includes a Forward Tag Congestion Notification field and a Backward Tag Congestion Notification field, the Forward Tag Congestion Notification field providing an indication that congestion is being experienced in a transport direction of the frame, the Backward Tag Congestion Notification field providing an indication that congestion is being experienced in an opposite transport direction of the frame. By contrast, the packet data units of the Izawa, et al. patent do not provide any indication as to a congestion state in either the transport direction or opposite transport direction of the packet as required by the claimed invention. Support for the above recitation can be found at page 13, line 25, to page 14, line 13, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 13-16 are not anticipated by the Izawa, et al. patent.

Applicant notes with appreciation the allowance of Claims 1-8.

Applicant notes with appreciation the allowability of Claims 17-20 if amended to address the minor informality identified by the Examiner. Claims 17-20 have been amended accordingly as discussed above. Therefore, Applicant respectfully submits that Claims 17-20 are in condition for allowance.

Applicant respectfully requests the Examiner to provide an indication that the documents cited in the Information Disclosure Statement of August 14, 2003 have been considered during the examination of this Application.

Attached herewith is a check in an amount of \$790.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

Applicant respectfully requests a one month extension of time for filing this Request for Continued Examination. A Notification of Extension of Time with check are attached hereto in support thereof.

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PATENT APPLICATION
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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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